

E-filed 1/18/06

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00343 JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING STATUS
v.)	HEARING AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
ABEL FUERTE,)	
)	
Defendant.)	

Plaintiff United States of America, by and through Special Assistant U.S. Attorney Matthew Harris, and defendant ABEL FUERTE, by and through his counsel Nicholas Humy, hereby AGREE AND STIPULATE to CONTINUE the status hearing presently scheduled for January 18, 2006 to February 1, 2006 at 9:00 a.m. The continuance is requested based on the tentative settlement reached by the parties and the need to finalize the Plea Agreement. It is anticipated that defendant will enter a change of plea on the new date.

The parties therefore AGREE AND STIPULATE that time should be excluded from and including January 18, 2006 , through and including February 1, 2006 , for continuity of counsel and to provide counsel reasonable time to prepare, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting

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1 the requested exclusion of time will serve the interests of justice and outweigh the interests of the
2 public and defendant in a speedy trial.

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5 DATED: January 17, 2006

KEVIN V. RYAN
United States Attorney

/S/

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8 MATTHEW HARRIS
Special Assistant U.S. Attorney

/S/

9
10 DATED: January 17, 2006

NICHOLAS HUMY
Counsel for Defendant Abel Fuente

11
12 ~~PROPOSED~~ ORDER

13 In light of the parties' agreement to exclude time, and based upon the demonstrated need
14 for excludable time, IT IS HEREBY ORDERED THAT: 1) the status hearing scheduled for
15 January 18, 2006 at 9:00 a.m. is CONTINUED until February 1, 2006 at 9:00 a.m.; and 2) the
16 period from and including January 18, 2006, through and including February 1, 2006 at 9:00 a.m.
17 , shall be excluded from all Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(8)(A)
18 and (B)(iv).

19 IT IS SO ORDERED.

20
21 DATED: 1/18/06


HON. JEREMY FOGEL
United States District Court Judge

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